

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER DEVOSE,

Petitioner

v.

WILLIAM HUTCHINGS, *et al.*,

Respondents

Case No.: 2:21-cv-02069-APG-DJA

**Order Denying Motion for Review of
Exhaustion and Denying Motions for
Default Judgment**

[ECF Nos. 54, 55, 57]

In his *pro se* 28 U.S.C. § 2254 habeas corpus petition Christopher Devose challenges his second-degree murder conviction in Eighth Judicial District Court (Clark County, Nevada), including based on ineffective assistance of counsel and insufficiency of the evidence. ECF Nos. 8, 11. In March 2023, I granted the respondents' motion to dismiss the petition in part. ECF No. 44. In May 2023, in response to my conclusion that ground 2 was unexhausted, Devose filed a motion to abandon ground 2 and proceed on the exhausted grounds. ECF No. 49. I granted the motion. In July 2023, the respondents filed an answer to the remaining claims in the petition. ECF No. 52. Devose filed a traverse, which addresses some of the remaining claims. ECF No. 53.

Devose then filed what was docketed as a motion for federal review regarding exhaustion. ECF No. 54. The purported motion is alternatively titled as an addendum. The filing largely sets forth legal standards related to exhaustion. Devose included an affidavit by his uncle that appears to have been signed and sworn in 2021. Devose does not ask for any relief or action by the court. The respondents understandably construed this filing as an addendum to the traverse and not as a motion and did not think that they needed to respond.

1 Next Devose filed two motions for default judgment. ECF Nos. 55, 57. They are not
2 identical, but are very similar. In the motions, Devose refers to the addendum for the first time
3 specifically as a motion. He thus moved for default judgment because the respondents failed to
4 respond to his motion(s). The respondents are correct that there is no valid basis for default
5 judgment to issue here. It is unclear what relief Devose seeks, and he did not include any points
6 and authority in support of the motion. LR 7-2(d). To the extent that he intended the addendum
7 regarding exhaustion to be a motion, I deny it. I instead construe the filing at ECF No. 54 as an
8 addendum to the traverse. I also deny the motions for default judgment. Accordingly, the
9 remaining claims stand briefed and ripe for review on the merits.

10 I THEREFORE ORDER that petitioner's motion regarding exhaustion [ECF No. 54] is
11 **DENIED** as set forth in this order.

12 I FURTHER ORDER that petitioner's two motions for default judgment [ECF Nos. 55,
13 **57] are both DENIED.**

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15 DATED this 1st day of February, 2024.

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18 ANDREW P. GORDON
19 UNITED STATES DISTRICT JUDGE
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